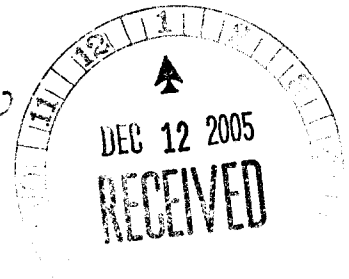




215326



December 8, 2005

**VIA U.P.S. OVERNIGHT**

Surface Transportation Board  
Section of Environmental Analysis  
1925 "K" St., N.W., Room 504  
Washington, DC 20423-0001

ENTERED  
Office of Proceedings

DEC 13 2005

Part of  
Public Record

**Attention:** Victoria Rutson

**RE: Docket No. AB-33(Sub-No.233X), Union Pacific Railroad Company**  
- **Abandonment Exemption - - In Woodson County, Kansas,**  
- **(Durand Industrial Lead)**

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Notice of Exemption in this matter on or after December 29, 2005.

Sincerely,

Enclosures

O:\ABANDONMENTS\33-233\STB-EHR.doc

**Mack H. Shumate, Jr.**  
Senior General Attorney, Law Department

**UNION PACIFIC RAILROAD**  
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718  
ph. (312) 777-2055 fx. (312) 777-2065

215326

BEFORE THE  
SURFACE TRANSPORTATION BOARD

---

Docket No. AB-33 (Sub-No. 233X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN WOODSON COUNTY, KANSAS  
(DURAND INDUSTRIAL LEAD)

---

ENTERED  
Office of Proceedings

DEC 13 2005

Part of  
Public Record

Combined Environmental and Historic Report

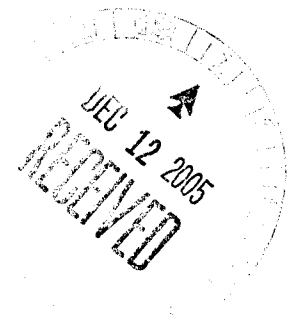
UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr., Senior General Attorney  
101 North Wacker Drive, Room 1920  
Chicago, Illinois 60606  
(312) 777-2055  
(312) 777-2065 FAX

Dated: December 8, 2005  
Filed: December 9, 2005

BEFORE THE  
SURFACE TRANSPORTATION BOARD

---



Docket No. AB-33 (Sub-No. 233X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN WOODSON COUNTY, KANSAS  
(DURAND INDUSTRIAL LEAD)

---

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment of the Durand Industrial Lead from M. P. 385.45 to M. P. 387.00 near Yates Center, a distance of 1.55 miles in Woodson County, Kansas (the "Line").

The Line traverses U. S. Postal Service Zip Code 66783.

A Notice of Exemption to abandon the Lines pursuant to 49 C.F.R. § 1152.50 (no local traffic for at least two years) will be filed on or after December 29, 2005.

A map of the Line marked **Attachment No. 1** is attached hereto and hereby made part hereof. UP's letter to federal, state and local government agencies is marked **Attachment No. 2**, and is attached hereto and hereby made a part hereof. Responses received to UP's letters to date are attached and sequentially numbered as indicated below.

ENVIRONMENTAL REPORT  
49 C.F.R. § 1105.7(e)

(1) **Proposed action and alternatives.** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

**Response:** The proposed action involves the abandonment of the Durand Industrial Lead from M. P. 385.45 to M. P. 387.00, a distance of 1.55 miles in Woodson County, Kansas.

The Line was constructed in 1881 by the St. Louis, Ft. Scott & Wichita Railroad. The Line is laid with 115-poung welded rail.

After abandonment, rail service will continue to be provided by Union Pacific at Durand on the east side of the abandonment. There are no shippers on the Line, and no commodities have originated or terminated on the Line for over two years. There is no overhead traffic over the Line. Based on information in the UP's possession, the Line proposed for abandonment does not contain federally granted right-of-way.

A map of the Line is attached hereto as **Attachment No. 1.**

(2) **Transportation System.** Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

**Response:** There will be no effect on regional or local transportation systems and patterns and no diversion of traffic to other transportation systems or modes.

(3) **Land Use.**(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such

agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

(iii) If the action effects land or water uses within a designated coastal zone, include the coastal zone information required by 49 C.F.R. § 1105.9.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

**Response:** (i) UP is unaware of any adverse effects on local and existing land use plans. The Woodson County Commissioner' Office has been contacted. To date UP has received no response.

(ii) The Natural Resource Conservation Service has been contacted. The Assistant State Conservationist stated the proposed abandonment posed no adverse environmental effects for which the NRCS is responsible for evaluating. The NRCS response is attached as **Attachment No. 3**, and is hereby made part hereof.

(iii) Not Applicable.

(iv) The property proposed for abandonment is not suitable for public purposes such as roads, highways, or other forms of mass transportation, conservation, energy production or transmission, or recreation as this area is adequately served by existing roads and utility lines at the present time. The plan for disposition of the small amount of non-reversionary land would be to work with any adjacent landowners to the property.

(4) **Energy.** (i) Describe the effect of the proposed action on transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

**Response:** (i) There are no effects on the transportation of energy resources in view of the absence of rail shipments on the Line.

(ii) There are no recyclable commodities moved over the Line.

(iii) There will be no change in energy consumption from the abandonment.

(iv)(A)(B) There will be no rail-to-motor diversion.

(5) **Air.** (i) If the proposed action will result in either:

(A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) an increase in rail yard activity of at least 100% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. §10901 (or §10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in §§(5)(i)(A) will apply.

**Response:** There is no such effect anticipated.

(5) **Air.** (ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. §10901 (or 49 U.S.C. §10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

**Response:** There will be no increase in rail traffic, rail yard activity, or truck traffic as a result of the proposed action.

(5) **Air.** (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

**Response:** The proposed action will not affect the transportation of ozone depleting materials.

(6) **Noise.** If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) an incremental increase in noise levels of three decibels Ldn or more or

(ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

**Response:** Not applicable.

(7) **Safety.** (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

**Response:** (i) The proposed action will have no detrimental effects on public health and safety.

(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

(8) **Biological resources.** (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

**Response:** (i) The U. S. Fish and Wildlife Service has been contacted. The Kansas State Ecologist from the Environmental Services Section of the Kansas Department of Wildlife and Parks stated that the abandonment would cause no significant impacts to crucial wildlife habitat, will not impact any public recreational areas, nor impact any threatened or endangered species. The Kansas Department of



Wildlife and Parks' response is attached as **Attachment No. 4.**, and is hereby made part hereof.

(ii) The National Park Service has been contacted. To date UP has received no response.

(9) **Water.** (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

**Response:** (i) The Kansas Department of Health and Environment has been contacted, reviewed the proposed abandonment and identified no adverse effects. The Department of Health and Environment's response is attached as **Attachment No. 5**, and is hereby made part hereof. Additionally, a response was received from the Kansas Department of Agriculture, Division of Water Resources, which stated the proposed abandonment does not require any authorization under the Kansas Water Appropriation Act, K.S.A. 82a-701 et seq., or the Obstruction I Streams Act, K.S.A. 82a-301 to 305a. The Department of Agriculture's response is attached as **Attachment No. 6**, and is hereby made part hereof.

(ii) The U.S. Army Corps of Engineers has been contacted. To date UP has received no response.

(iii) It is not anticipated that there will be any requirements for Section 402 permits.

(10) **Proposed Mitigation.** Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

**Response:** There are no known adverse environmental impacts.

HISTORIC REPORT  
49 C.F.R. § 1105.8(d)

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action:

**Response:** See **Attachment No. 1.**

(2) A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area:

**Response:** The right-of-way is generally 100 feet in width. The right-of-way passes through a rural area of Woodson County, Kansas and the City of Yates Center, Kansas. The topography of the adjacent land outside the city limits of the City of Yates Center is typically average farmland and pasture.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

**Response:** There are no structures over fifty (50) years in age affected by the proposed abandonment.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations to the extent such information is known:

**Response:** Not applicable.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

**Response:** See UP's response to question (1) in the environmental Report for a brief history and description. The Line has been out of service for the past two years.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:

**Response:** Not Applicable.

(7) An opinion (based on readily available information in the UP's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

**Response:** At this time, UP knows of no historic sites or structures or archeological resources in the project area. The Kansas State Historical Society has been contacted and determined the proposed project will not adversely affect any property listed or eligible for listing on the National Register of Historic Places. The Historic Preservation Officer's response is attached as **Attachment No. 7**, and is hereby made part hereof.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain:

**Response:** UP does not have any such readily available information.

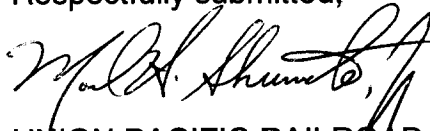
(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding

specified nonrailroad owned properties or groups of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American):

**Response:** Not applicable.

Dated this 8<sup>th</sup> day of December, 2005.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", written in a cursive style.

UNION PACIFIC RAILROAD COMPANY  
Mack H. Shumate, Jr., Senior General Attorney  
101 North Wacker Drive, Room 1920  
Chicago, Illinois 60606  
(312) 777-2055  
(312) 777-2065 FAX

**CERTIFICATE OF SERVICE**  
**OF THE**  
**COMBINED ENVIRONMENTAL AND HISTORIC REPORT**

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 233X), the Durand Industrial Lead in Woodson County, Kansas was served by first class mail on the 8<sup>th</sup> day of December, 2005 on the following:

**State Clearinghouse (or alternate):**

Kansas Department of Transportation  
Dwight D. Eisenhower State Office Building  
700 S.W. Harrison Street  
Topeka, KS 66603-3754

Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027

**State Environmental Protection Agency:**

Kansas Department of Health and Environment  
Curtis State Office Building  
1000 SW Jackson  
Topeka, KS 66612

**State Coastal Zone Management Agency**  
**(if applicable):**

Not Applicable

**Head of County (Planning):**

Woodson County Commissioners  
105 West Rutledge Street  
County Courthouse  
Yates Center, KS 66783-1237

**Environmental Protection Agency**  
**(regional office):**

U.S. Environmental Protection Agency  
Region 7  
901 North 5th Street  
Kansas City, KS 66101

**U.S. Fish and Wildlife:**

U.S. Fish & Wildlife Service, Region 6  
134 Union Blvd.  
Lakewood, Colorado 80228

**U.S. Army Corps of Engineers:**

U.S. Army Engineer Division - Tulsa District  
1645 S. 101st E. Ave.  
Tulsa, OK 74128-4609

**National Park Service:**

National Park Service  
Midwest Region  
1709 Jackson Street  
Omaha, NE 68102

**U.S. Natural Resources Conservation Service:**

Natural Resource Conservation Service  
760 South Broadway  
Salina, KS 67401

**National Geodetic Survey:**

National Geodetic Survey  
Edward J. McKay, Chief  
Spatial Reference System Division  
NOAA N/NGS2  
1315 E-W Highway  
Silver Spring, MD 20910-3282

**State Historic Preservation Office:**

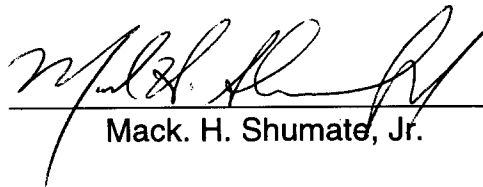
Kansas State Historical Society  
6425 SW Sixth Avenue  
Topeka, KS 66615

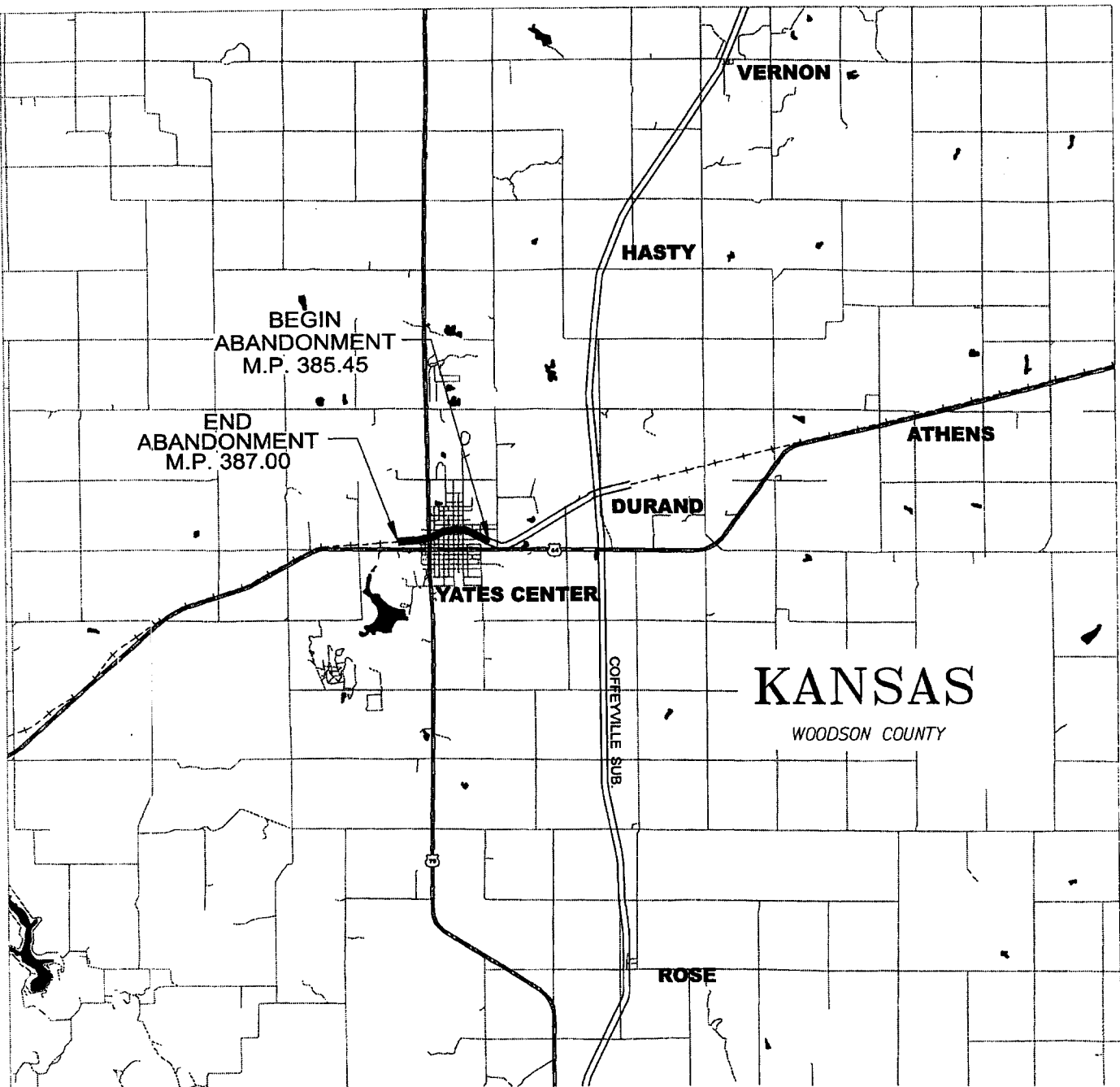
**Other Agencies Consulted:**

Wildlife & Parks Department  
900 Southwest Jackson Street, #502 N  
Topeka, KS 66612

Water Resources Division  
921 S. Kansas Ave., Fl 2  
Topeka, KS 66612

Dated this 8<sup>th</sup> day of December, 2005.

  
Mack. H. Shumate, Jr.



NOTE: THERE ARE NO 50+ YEAR OLD STRUCTURES

# LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- RAILROADS (abandoned)
- PRINCIPAL HIGHWAYS
- OTHER ROADS
- 50+ YEAR OLD STRUCTURES

## DURAND INDUSTRIAL LEAD

MP 385.45 TO MP 387.00  
TOTAL OF 1.55 MILES  
IN WOODSON COUNTY, KANSAS

UNION PACIFIC RAILROAD CO.  
DURAND INDUSTRIAL LEAD  
KANSAS

INCLUDING 50+ YEAR OLD STRUCTURES

SCALE MILES

FILE: Q:\abandonments\ab0355\_durandv8.dgn

DATE: 27-Jun-05 07:57



(402) 544-0129 (FAX)

July 13, 2005

**State Clearinghouse (or alternate):**

Kansas Department of Transportation  
Dwight D. Eisenhower State Office Building  
700 S.W. Harrison Street  
Topeka, KS 66603-3754

Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027

**State Environmental Protection Agency:**

Kansas Department of Health and Environment  
Curtis State Office Building  
1000 SW Jackson  
Topeka, KS 66612

**State Coastal Zone Management Agency****(if applicable):**

Not Applicable

**Head of County (Planning):**

Woodson County Commissioners  
105 West Rutledge Street  
County Courthouse  
Yates Center, KS 66783-1237

**Environmental Protection Agency****(regional office):**

U.S. Environmental Protection Agency  
Region 7  
901 North 5th Street  
Kansas City, KS 66101

**U.S. Fish and Wildlife:**

U.S. Fish & Wildlife Service, Region 6  
134 Union Blvd.  
Lakewood, Colorado 80228

**U.S. Army Corps of Engineers:**

U.S. Army Engineer Division - Tulsa District  
1645 S. 101st E. Ave.  
Tulsa, OK 74128-4609

**National Park Service:**

National Park Service  
William D. Shaddox  
Chief, Land Resources Division  
1849 "C" St., N. W., #MS3540  
Washington, DC 20240

**U.S. Natural Resources Conservation Service:**

Natural Resource Conservation Service  
760 South Broadway  
Salina, KS 67401

**National Geodetic Survey:**

National Geodetic Survey  
Edward J. McKay, Chief  
Spatial Reference System Division  
NOAA N/NGS2  
1315 E-W Highway  
Silver Spring, MD 20910-3282

**State Historic Preservation Office:**

Kansas State Historical Society  
6425 SW Sixth Avenue  
Topeka, KS 66615

**Other Agencies Consulted:**

Wildlife & Parks Department  
900 Southwest Jackson Street, #502 N  
Topeka, KS 66612

Water Resources Division  
921 S. Kansas Ave., FI 2  
Topeka, KS 66612

Re: Proposed Abandonment of the Durand Industrial Lead from M. P. 385.45 to M. P. 387.00 near Yates Center, a distance of 1.55 miles in Woodson County, Kansas; STB Docket No. AB-33 (Sub-No. 233X)

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Durand Industrial Lead from M. P. 385.45 to M. P. 387.00 near Yates Center, a distance of 1.55 miles in Woodson County, Kansas. A map of the proposed track abandonment shown in black is attached.

Law Department

UNION PACIFIC RAILROAD  
1400 Douglas St., Stop 1580, Omaha, NE 68179-1580  
fx. (402) 501-0127

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts; however, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.


STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S. C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

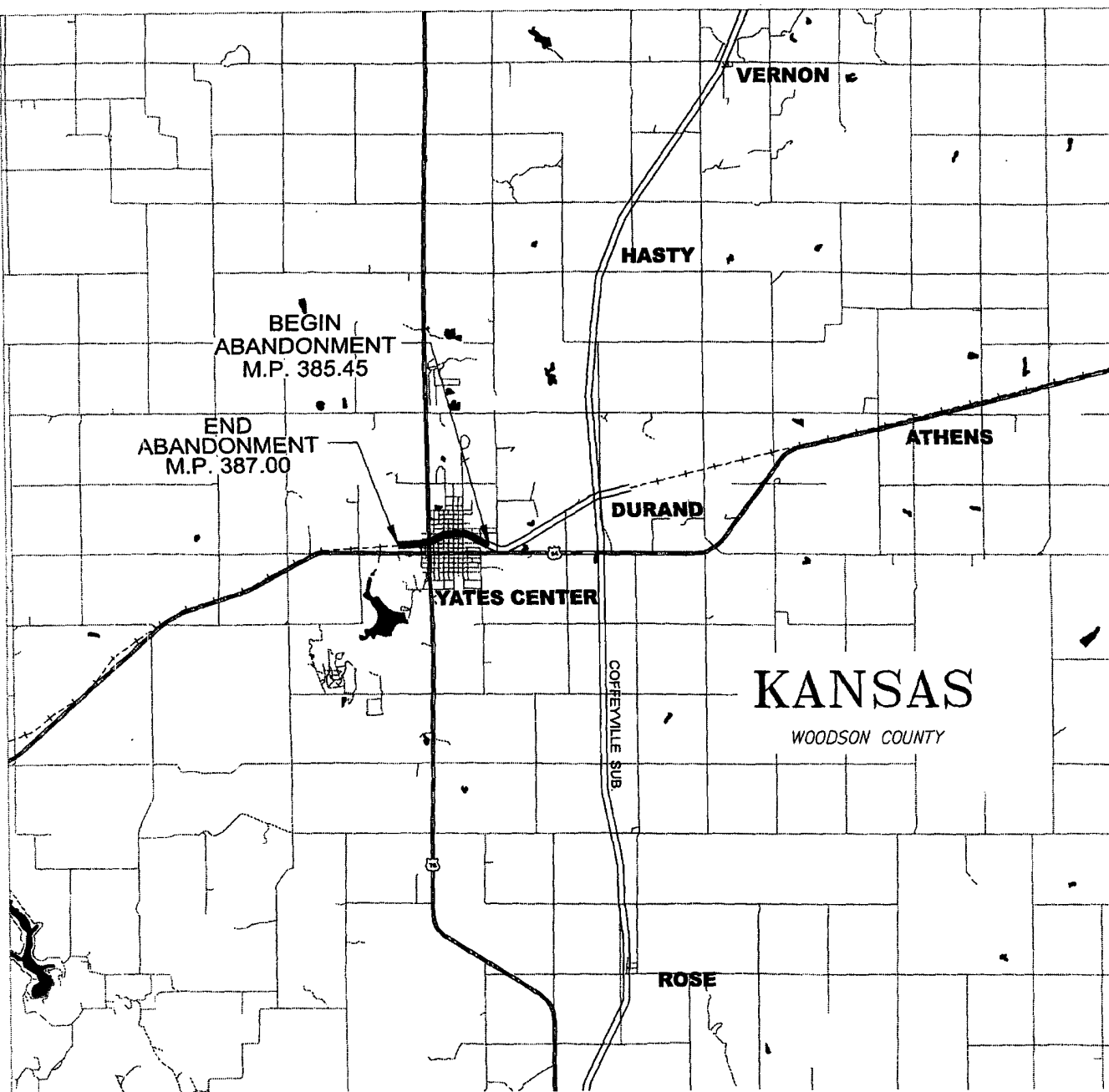
Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1400 Douglas Street, Mail Stop 1580, Omaha, NE, 68179. If you need further information, please contact me at (402) 544-4861.

Yours truly,

  
Charles W. Saylor


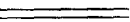





Attachment





NOTE: THERE ARE NO 50+ YEAR OLD STRUCTURES

#### LEGEND

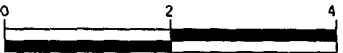
-  UPRR LINES TO BE ABANDONED
-  OTHER UPRR LINES
-  OTHER RAILROADS
-  RAILROADS (abandoned)
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS
-  50+ YEAR OLD STRUCTURES

#### DURAND INDUSTRIAL LEAD

MP 385.45 TO MP 387.00  
TOTAL OF 1.55 MILES  
IN WOODSON COUNTY, KANSAS

#### UNION PACIFIC RAILROAD CO. DURAND INDUSTRIAL LEAD KANSAS

INCLUDING 50+ YEAR OLD STRUCTURES

SCALE  MILES

FILE: Q:\abandonments\ab0355\_durandv8.dgn

DATE: 27-Jun-05 07:57

AB-33(Sub-No. 233X)



United States Department of Agriculture  
Natural Resources Conservation Service  
2917 West Highway 50  
Emporia, Kansas 66801-5140

**"A Partner in Conservation Since 1935"**

Phone: 620-343-7276  
FAX: 620-343-7871  
[www.ks.nrcs.usda.gov](http://www.ks.nrcs.usda.gov)

July 28, 2005

Chuck W. Saylor  
Union Pacific Railroad Company  
1400 Douglas St., Stop 1580  
Omaha, Nebraska 68179-1580

Dear Mr. Saylor:

Thank you for the opportunity to review the proposed track abandonment and discontinue service of the Durand Industrial Lead near Yates Center, Kansas. The purpose of this project is that the Union Pacific Railroad Company plans to request authority from the Surface Transportation Board to abandon and discontinue track service on the Durand Industrial Lead. This project is located in Woodson County.

Since the proposed track abandonment project STB Docket No. AB-33(Sub-No.233X) is on land within the city limits, this project is not affected by the Farmland Protection Policy Act and therefore, an AD-1006 form is not required.

I see no other adverse environmental effects for which the Natural Resources Conservation Service (NRCS) is responsible for evaluating.

I wish you well with your project and if our local NRCS office in Yates Center can be of any assistance, don't hesitate to call.

If I can be of further assistance, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "William M. Gilliam".

WILLIAM M. GILLIAM  
Assistant State Conservationist

cc:

John D. Drew, District Conservationist, NRCS, Yates Center, Kansas  
Lynn E. Thurlow, Soil Conservationist, NRCS, Salina, Kansas

ATTACHMENT 4

# KANSAS

DEPARTMENT OF WILDLIFE AND PARKS

KATHLEEN SEBELIUS, GOVERNOR

August 15, 2005

Mr. Charles W. Saylor  
Union Pacific Railroad  
1400 Douglas Street  
Mail Stop 1530  
Omaha NE 68179

Ref: D2.0401A  
Woodson  
STB Docket AB-33  
Track: 20050338

Dear Mr. Saylor:

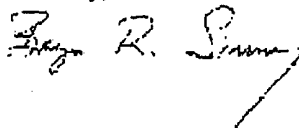
We have reviewed your request for SBT AB-33 involving the abandonment and service discontinuance on the Durand Industrial Lead from Mile Post 385.45 to 387.00, a distance of 1.55 miles near Yates Center in Section 11, Township 25 South, Range 15 East, in Woodson County. The project was reviewed for potential impacts on crucial wildlife habitats, current state-listed threatened and endangered species and species in need of conservation, and public recreation areas for which this agency has some administrative authority.

We have no objections to this project as designed and simply recommend implementing standard erosion control BMP's, temporary weed-free seeding/mulching to protect water quality during construction, minimize any / all instream construction activities and the use of native grasses and forbs to permanently revegetate all areas disturbed by construction.

Results of our review indicate there will be no significant impacts to crucial wildlife habitats; therefore, no special mitigation measures are recommended. The project will not impact any public recreational areas, nor could we document any potential impacts to currently listed threatened or endangered species or species in need of conservation. No Department of Wildlife and Parks permits or special authorizations will be needed if construction is started within one year, and no design changes are made in the project plans. Since the Department's recreational land obligations and the State's species listings periodically change, if construction has not started within one year of this date, or if design changes are made in the project plans, the project sponsor must contact this office to verify continued applicability of this assessment report. For our purposes, we consider construction started when advertisements for bids are distributed.

Thank you for the opportunity to provide these comments and recommendations.

Sincerely,



Bryan R. Simmons, Ecologist  
Environmental Services Section

Pratt Operations Office  
512 SE 25<sup>th</sup> Ave., Pratt, KS 67124-8174  
Phone 620-672-5911 Fax 620-672-6020 www.kdwp.state.ks.us

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K A N S A S

LAW DEPT.

SEP 29 2005

REC'D UPRR

RODERICK L. BREMBY, SECRETARY

DEPARTMENT OF HEALTH AND ENVIRONMENT

KATHLEEN SEBELIUS, GOVERNOR

September 27, 2005

Law Department  
Union Pacific Railroad  
1400 Douglas St., Stop 1580  
Omaha, NE 68179-1580

Dear Sirs:

This correspondence is in response to Union Pacific Railroad's letter dated July 13, 2005 regarding the proposed abandonment of 1.55 miles of line, from M.P. 385.45 to M.P. 387.00, in Yates Center, Kansas. The Kansas Department of Health and Environment, Bureau of Environmental Remediation (BER), based upon review of the bureau's list of identified contaminated sites and records for spills of hazardous materials, has identified no adverse effects of this proposed action. However, KDHE/BER may be unaware of contamination in the area of the proposed action, and therefore cannot dismiss the possibility of adverse environmental impacts from the proposed action.

If you have additional questions, please call us at 785-296-1660.

Respectfully,

Scott Nightingale  
KDHE/BER

SAN/cb

c: Kent Schierkolk, BER Spill Program  
Chris Conrad, VCPRP Project Manager



DEPARTMENT OF AGRICULTURE  
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

July 27, 2005

UNION PACIFIC RAILROAD  
MR CHUCK SAYLORS  
1400 DOUGLAS ST MAIL STOP 1580  
OMAHA NE 68179

RE: DWR A-95 2005.192

Dear Mr. Saylor:

This will acknowledge receipt of your letter and attachments dated July 13, 2005 regarding the proposed abandonment of the Durand Industrial Lead from M. P. 385.45 to M. P. 387.00 near Yates Center in Woodson County, Kansas.

Based upon the information provided, it does not appear that any authorization is required from the Chief Engineer of the Division of Water Resources under either the Kansas Water Appropriation Act, K.S.A. 82a-701 et seq., or the Obstruction in Streams Act, K.S.A. 82a-301 to 305a.

Sincerely,

Bob Lytle  
Environmental Scientist  
Technical Services Section

RFL:ssc

  
**KANSAS**

**KSR&C No. 0507-118**

Kansas State Historical Society  
*Cultural Resources Division*

**KATHLEEN SEBELIUS, GOVERNOR**

July 21, 2005

Charles W Saylors  
Union Pacific Railroad  
1400 Douglas St  
Mail Stop 1580  
Omaha NE 68179

**RE: Abandonment of Rail Lines to Durand Industrial Lead, Yates Center  
Woodson County**

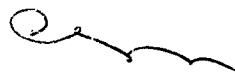
Dear Mr. Saylors:

Our staff has reviewed the materials received July 15, 2005 regarding the above referenced project in accordance with 36 CFR 800. The SHPO has determined the proposed project will not adversely affect any property listed or eligible for listing on the National Register of Historic Places.

If you have any questions regarding this review, please contact Robert Bettis (785) 272-8681 ext. 226.

Sincerely,

Jennie Chinn  
State Historic Preservation Officer



Christy Davis  
Deputy State Historic Preservation Officer